

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

FILED  
BILLINGS DIV.

2007 MAY 24 AM 10 27

PATRICK E. DUFFY, CLERK

BY \_\_\_\_\_  
DEPUTY CLERK

CLARENCE L. FOSTER,	)	CV-05-66-BLG-RFC
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	ORDER ADOPTING FINDINGS
	)	AND RECOMMENDATIONS OF
OFFICER TUCKER, et al.,	)	U.S. MAGISTRATE JUDGE
	)	
Defendants.	)	
_____	)	

On April 13, 2007, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss Plaintiff's complaint without prejudice.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1).<sup>1</sup> In this matter, no party filed objections to the April 13, 2007 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

---


<sup>1</sup>In prisoner cases, this Court extends the time to object to twenty days in order to take into account the Supreme Court's ruling in *Houston v. Lack*, 487 U.S. 266, 270-71 (1988), and the somewhat greater mailing time that is involved in sending documents into and out of a prison facility.

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety. This Court's local rules require parties to keep the Court updated with their current address. Plaintiff has failed to do so. In addition, the Court advised Plaintiff in two prior Orders (which were not returned as undeliverable and therefore presumably received by Plaintiff) that Plaintiff must keep the Court informed of his current address at all times and that his failure to do so could result in the dismissal of his case without notice. The Court must be able to manage its docket.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 24 day of May, 2007.

  
\_\_\_\_\_  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE